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APPLICATION GRANTED

SO ORDERED *Vernon S. Broderick*

VERNON S. BRODERICK

U.S.D.J. 1/22/2020

VIA ECF

Hon. Vernon S. Broderick
United States District Judge
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Plaintiff is reminded that it is his responsibility to amend his complaint if he wishes to name as defendants any of the John and Jane Does identified herein by Defendants. The Clerk of Court is directed to mail a copy of this endorsement to the pro se Plaintiff.

Re: Eslam Hassan v. Captain John Doe, et al., 19-CV-10208 (VSB)

Your Honor:

I am the attorney in the Office of the Corporation Counsel of the City of New York assigned to the defense of the above matter. I respectfully write in response to the Court's Valentin Order dated November 6, 2019. I also write to respectfully request that the Court grant, *sua sponte*, defendant Warden Kenneth Stukes an enlargement of time, from January 21, 2020 until March 2, 2020, to answer or otherwise respond to the Complaint and the Amended Complaint.¹ This is the first such request in this matter. This Office was unable to obtain consent from plaintiff, who appears in this matter pro se, as he is presently incarcerated and cannot be reached expeditiously. The foregoing request will not affect any other scheduled dates in this matter.

By way of background, plaintiff filed the Complaint on October 31, 2019, alleging that on October 27, 2016, his constitutional rights were violated while he was detained at the Otis Bantum Correctional Center on Rikers Island. See Dkt. No. 2. On November 6, 2019, the Court ordered defendants City of New York and Warden Kenneth Stukes to waive service of summons.² See Dkt. No. 7. The Court further ordered the Office of the Corporation Counsel to provide the identities of the Jane and John Doe defendants. Id.

This Office requires time to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may

¹ On December 12, 2019, the Court ordered that the operative pleading in this matter shall be plaintiff's Complaint and his Amended Complaint taken together. Defendant Stukes' response to the Complaint is due on January 21, 2020. Defendant Stukes' response to the Amended Complaint is due on March 2, 2020.

² Defendants City of New York and Warden Kenneth Stukes waived service of summons.


represent Warden Kenneth Stukes. See Mercurio v. The City of New York, et. al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et. al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). Until we meet with Warden Stukes, we cannot make a representation decision or appear on his behalf. Further, should this Office appear on behalf of Warden Kenneth Stukes, we will need this additional time to investigate the allegations in the Complaint and Amended Complaint regarding his involvement, if any, in the incident alleged by plaintiff in accordance with our obligations under Rule 11 of the Federal Rules of Civil Procedure.

Pursuant to the Court's Valentin Order, upon information and belief, the following Jane and John Doe defendants are hereby identified as: Correction Captain Sedeke Kamara, Shield No. 1737; Correction Officer James Crum, Shield No. 4260; Correction Officer Jeffrey Ley, Shield No. 6971; Correction Officer Greigg Johnson, Shield No. 13917; Correction Officer William Llarch, Shield No. 3352; Correction Officer Alecia Dawson, Shield No. 17722; and Dr. Igwe Okechukuru, MD. As of this writing, I have been unable to identify the individual identified by plaintiff as the Jane Doe nurse who allegedly had a medical visit with plaintiff on October 27, 2016, between 9:30 p.m. – midnight. I am still in the process of reviewing plaintiff's medical records in an effort to locate any identifying information for Nurse Jane Doe.

Accordingly, I respectfully request that the Court grant, *sua sponte*, defendant Warden Kenneth Stukes an enlargement of time, from January 21, 2020 until March 2, 2020, to answer or otherwise respond to the Complaint and the Amended Complaint.

Thank you for your consideration herein.

Respectfully submitted,


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Special Federal Litigation Division

BY FIRST-CLASS MAIL
To: Eslam Hassan
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